

MRS. J. D. PRICE

NOVEMBER 12, 1943.—Ordered to be printed

Mr. ROBERTSON, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 1640]

The Committee on Claims, to whom was referred the bill (H. R. 1640) for the relief of Mrs. J. D. Price, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The facts will be found fully set forth in House Report No. 729, Seventy-eighth Congress, first session, which is appended hereto and made a part of this report.

[H. Rept. No. 729, 78th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 1640) for the relief of Mrs. J. D. Price, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is to pay the sum of \$659.50 to Mrs. J. D. Price, of Lorman, Miss., in full settlement for personal injuries and expenses incident thereto sustained as a result of a collision between the car in which she was riding and a United States Army truck, near Vicksburg, Miss., on June 27, 1941.

STATEMENT OF FACTS

It appears that on June 27, 1941, an Army truck on official business, operated by an enlisted man, one of a convoy of Government vehicles, was proceeding in an easterly direction on United States Highway No. 80, near Vicksburg, Miss., and approaching its intersection with Highway No. 61. At the same time a Ford Tudor sedan, owned and operated by Mrs. J. D. Price, was proceeding in a southerly direction on United States Highway No. 61 at a speed of approximately 40 miles per hour, this was estimated by the Government driver, and 10 miles per hour as stated by Mrs. Price. A stop sign posted on United States Highway No. 80 required traffic on that road to stop before entering the intersection. However, on arriving at the intersection, the Government driver did not stop, but, entering it at a speed of 10 miles per hour, attempted a left turn onto Highway No. 61 across the path of the oncoming car of Mrs. Price. It appears that Mrs. Price was unable to stop or otherwise avoid the collision, and that the Ford sedan crashed into the left side of the Government truck.

As a result of the accident, the Ford sedan was badly damaged, and Mrs. Price suffered a laceration of the forehead, an abrasion of the upper lip, hematoma (chest wall), cerebral concussion, possible intracranial lesion, and possible intrathoracic lesion. The Government driver stated that "there was a blind on Highway 80" and that he "could not see up the road on highway."

The War Department does not object to the enactment of the proposed legislation due to the fact that the Government driver was negligent in not coming to a stop at the stop sign and drove into the path of Mrs. Price's car, causing the collision and subsequently the injury to her.

Therefore, your committee recommend favorable consideration to the bill and append hereto the report from the War Department, together with other pertinent evidence.

WAR DEPARTMENT,
Washington, October 12, 1942.

HON. DAN R. McGEHEE,
Chairman, Committee on Claims,
House of Representatives, Washington, D. C.

DEAR MR. McGEHEE: The War Department will interpose no objection to the enactment of H. R. 7376, Seventy-seventh Congress, second session, which would compensate Mrs. J. D. Price, of Lorman, Miss., for hospital bills and personal loss incurred by her as the result of injuries sustained in a collision between her car and an Army truck on June 27, 1941, near Vicksburg, Miss.

On June 27, 1941, at about 9:30 a. m., an Army truck on official business, operated by an enlisted man, one of a convoy of Government vehicles, was proceeding in an easterly direction on United States Highway No. 80 near Vicksburg, Miss., and approaching its intersection with United States Highway No. 61. At the same time a Ford Tudor sedan, owned and operated by Mrs. J. D. Price (Bertie May Harrel Price), of Lorman, Miss., was proceeding in a southerly direction on United States Highway No. 61 at a speed estimated by the Government driver at 40 miles per hour and stated by her as 10 miles per hour, and approaching the same intersection. The weather was clear. A stop sign posted on United States Highway No. 80 required traffic on that road to stop before entering the intersection. However, on arriving at the intersection, the Government driver did not stop, but, entering it at a speed of about 10 miles per hour, attempted a left turn onto United States Highway No. 61 across the path of the oncoming car of Mrs. Price. It appears that the latter was unable to stop or otherwise avoid a collision, and that the Ford sedan crashed into the left side of the Government truck.

As a result of the accident, the Ford sedan was extensively damaged, and Mrs. Price suffered a laceration of the forehead, an abrasion, of the upper lip, hematoma (chest wall), cerebral concussion, possible intracranial lesion, and possible intrathoracic lesion.

The Government driver stated that "there was a blind on Highway 80" and that he "could not see up the road on Highway 61."

A claim was filed with the War Department by Mrs. Price in the amounts of \$59.50 and \$100 for hospital expenses and personal loss, respectively, and in the amount of \$400 for the damage to her car (original cost less depreciation). The claim for hospital expenses is supported by a receipted bill of the Vicksburg Clinic, Vicksburg, Miss., in the amount of \$10 for complete examination and first aid, and an unreceipted bill of the Vicksburg Infirmary in the amount of \$49.50 made up of the following items:

June 27-30, 1941:	
Hospitalization, 3 days at \$6.....	\$18. 00
Registration.....	1. 00
2 X-rays.....	15. 00
Tetanus antitoxin.....	2. 50
Dr. Herring, fee.....	10. 00
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	46. 50
March 23: Office call, drugs.....	3. 00
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Total.....	49. 50

Upon review in the War Department, the claim for property damage was approved in the amount of \$195 (\$225, estimated value of car at the time of the accident, less \$30, estimated salvage value) for settlement under the provisions

of the act of December 28, 1922 (42 Stat. 1066). This amount Mrs. Price has agreed to accept. It was the view of the Department that the proximate cause of the accident was negligence on the part of the Government driver in that he failed to stop at the stop sign and made a left turn across the path of claimant's oncoming car, which was entitled to the right-of-way. The claim for hospital expenses and personal loss was necessarily disapproved, since there is no law or appropriation available to the Department for the settlement of claims of this nature arising out of motor-vehicle accidents.

It appears that Mrs. Price is 39 years of age, is married, is a housewife by occupation, and has five children. She states that she was unable to carry on her work for 6 weeks after her return from the hospital.

Since it appears that the injuries suffered by Mrs. Price resulted from no fault or negligence on her part, but rather from negligence on the part of the Government driver, the Department, while not prepared to pass upon the amount that should be allowed her, will interpose no objection to the enactment of legislation compensating her in such amount as the Congress in its discretion may deem proper.

The Bureau of the Budget advises that the enactment of this legislation would not be in conflict with the program of the President.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

STATE OF MISSISSIPPI,
County of Claiborne.

This day personally appeared before me, the undersigned authority in and for said county and State, Mrs. J. D. Price of Lorman, Miss., who first being sworn by me, states on oath that she was injured June 27, 1941, when an Army truck struck the car she was driving at the Mississippi-Louisiana bridge at Vicksburg. That she was knocked unconscious by the collision and taken to the Vicksburg Hospital for emergency treatment. That at the Vicksburg Hospital she was treated by Dr. F. Chunn and that the laceration of her forehead was sutured by this physician; that her relatives then moved her to the Vicksburg Infirmary, Vicksburg, Miss. That she was treated there by Dr. B. B. Martin and that diagnosis of her condition was traumatism by auto, with laceration and contusion of forehead; and severe contusion to anterior chest and precordial region. That according to information from her physician, while in the infirmary X-rays, A. P. and lateral of chest, sternum (chest bone) were made.

These were negative for fracture or dislocation; also, she was given tetanus antitoxin 1,500 units. Affiant further states that she was in the infirmary from June 27 to 30, 1941; that she left the hospital while still under physician's care and stayed with some relatives in Vicksburg in order to save expense. That affiant's injuries to her forehead and chest were very painful, especially to her chest, which revealed some swelling and discoloration of skin. That affiant had to remain in Vicksburg for treatment 4 or 5 days after she left the hospital. That it was necessary for her to wear a splint on her right wrist for 2 weeks after the accident. That after affiant's return home she suffered intensely with these injuries and that she was unable to work for 6 weeks after she was hurt. That affiant is a housekeeper with a family of seven, including herself, and that they live on a farm. That, therefore, she and her family suffered great inconvenience by her disability.

Mrs. J. D. PRICE.

Sworn to and subscribed before me this 25th day of January 1943.

[SEAL]

P. H. WHARTON, *Notary Public.*

VICKSBURG INFIRMARY,
Vicksburg, Miss., January 21, 1943.

Mrs. J. D. PRICE,
Lorman, Miss.

DEAR MRS. PRICE: After reading the letter dated December 31, 1942, that was addressed to you from Dan R. McGehee of the Seventh District, Mississippi, I am submitting herein the following information concerning your condition while a patient at the Vicksburg Infirmary from June 27 to 30, 1941.

Diagnosis at that time was traumatism by auto, with laceration and contusion of forehead; severe contusion to anterior chest and precordial region.

The laceration of your forehead had been sutured by Dr. F. Chunn, of the Vicksburg Hospital, prior to your admittance here at the infirmary. While in the infirmary X-rays, A. P., and lateral of chest, sternum (chest bone) were made. These were negative for fracture or dislocation. Also, you were given tetanus antitoxin (lock-jaw serum) 1,500 units. Both injuries to forehead and chest were very painful, especially to chest, which revealed some swelling, discoloration of skin, etc. You had a slight rise of temperature, 99° F., for the first 2 days.

At the time of your discharge on the 30th the sutures were removed from laceration of forehead, this wound was redressed; at that time condition of injured parts were somewhat improved.

Trusting that this information will be of some aid in this connection and with kind regards, I am,

Yours very truly,

B. B. MARTIN, M. D.

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